

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT FOR
TENNESSEE AT KNOXVILLE

LESTER EUGENE SILER, et al.,

Plaintiffs,

v.

No. 3:05-CV-341
Judge Edgar/Guyton

GERALD DAVID WEBBER, et al.,

Defendants.

AMENDED MOTION TO WITHDRAW

COMES NOW Michael S. Farley, attorney and co-counsel for the Plaintiffs in the above referenced case and moves this Honorable Court for an Order allowing him to withdraw as attorney of record. Your MOVANT would show this Honorable Court as follows:

1. That Michael S. Farley and Kristie Anderson are attorneys of record for the Plaintiffs in this case. Kristie Anderson was the Plaintiff's original attorney and asked Michael S. Farley to become co-counsel to assist her in this case.
2. That a conflict has developed between attorney Michael S. Farley and attorney Kristie Anderson and that the attorneys have had serious disagreements as to how to proceed in this case and serious disagreements about how this case has been handled to this point. These differences of opinion have arose to such a heated level that attorney Michael S. Farley does not feel that he can any longer be an effective counsel in this case and therefore should be removed as attorney of record for the

Plaintiffs. Your movant will show this court that the disagreements in this case have caused not only difficulties between the attorneys, but have caused at least one of the Plaintiffs, Jenny Siler, to make derogatory comments about attorney Michael S. Farley to attorney, Kristie Anderson and likewise made derogatory comments about attorney Kristie Anderson to Michael S. Farley and gives each attorney conflicting information on how to proceed in this case.

3. Your movant will show this Honorable Court that since the filing of this lawsuit the Plaintiff Lester Siler is serving a prison sentence. He is currently located in Hardeman County Correctional Facility. Your movant will show this Honorable Court it has become virtually impossible for the movant to have communication with the Plaintiff, Lester Siler and your movant will show as recently as in the last two weeks, he has made 8 to 10 attempts to have contact with the Plaintiff, Lester Siler, but has been unable to do so. Your movant will further show that he has had contact with family members of Lester Siler, however according to attorney Kristie Anderson the Plaintiff, Lester Siler, has given conflicting orders to attorney Michael S. Farley and Kristie Anderson as to what family members of his can be consulted regarding this case. Your movant would show that he has ask for Lester Siler to call him but he has had no calls from him.

4. Your movant will show this Honorable Court that the communications between attorney Michael S. Farley and the Plaintiff, Jenny Siler, has deteriorated to a point that further representation of her is impossible. Michael S. Farley has been unable to determine the location of Jenny Siler and Ms. Siler has made no attempts whatsoever to contact Michael S. Farley and provide an address, phone number, etc.

Your movant will show this Honorable Court that since May of 2007, attorney Michael S. Farley has had no contact with Plaintiff Jenny Siler or Plaintiff Dakota Siler.

Your movant will show that Michael S. Farley has had difficulty in communicating with Attorney Kristie Anderson. Aside from the fact that the attorneys have had disagreements on how to proceed, many times when Michael S. Farley calls Kristie Anderson she does not answer and does not return calls. The week the original Motion to Withdraw was filed, Michael Farley left two urgent messages for attorney Kristie Anderson with no return calls, after she told attorney Michael S. Farley the prior week she would call him on Monday, September 10, 2007.

5. Your movant will show this Honorable Court that a mediation was held in this case on the 19th day of December 2007 and on that day, the Plaintiffs and the two attorneys had a disagreement as to how to proceed in this case. At that time the movant, Michael S. Farley advised the Plaintiffs and co-counsel that if the differences between the Plaintiffs and the differences between the attorneys could be resolved that Michael S. Farley would have no other choice but to ask to be removed as attorney of record.

6. Finally, your movant will show that his inability to communicate with the Plaintiff Jenny Siler because of her unknown whereabouts and because of the deteriorated relationship between the attorney Michael S. Farley and Jenny Siler; the inability to effectively communicate with Plaintiff Lester Siler and the disagreements between attorney Michael S. Farley and Kristie Anderson as to how this case has developed and how the parties should proceed in this case, it has become impossible for Michael S. Farley to continue to represent the Plaintiffs, including responding to the Motion for Summary Judgment that is due on October 17, 2007.

7. Your movant, Michael S. Farley will show this Honorable Court that if the Court allows him to withdraw as attorney of record that in no way will the Plaintiffs be prejudiced in this case in that they are also represented by co-counsel and their original attorney, Kristie Anderson.

8. Your movant Michael S. Farley will also show that the defendants will not be prejudiced in this case in that the trial of this matter has been reset and there is ample time for Plaintiffs to seek additional counsel or proceed with their original attorney Kristie Anderson. Your movant would show that a copy of this Motion was sent overnight mail to Lester Siler at the Hardeman County Correctional Facility and to Jenny and Dakota Siler at their last known address of 1139 Main Street, Lake City, Tennessee 37769 on September 28, 2007.

WHEREFORE, PREMISES CONSIDERED, your movant moves this Honorable Court for an Order allowing him to withdraw as attorney of record for the Plaintiffs and further moves this Court for an Order allowing 30 days for the Plaintiffs to proceed with attorney Kristie Anderson or acquire new counsel to replace Michael S. Farley and for 30 additional days to respond to the Motion for Summary Judgment.

RESPECTFULLY submitted this the 28th day of September, 2007.

s/Michael S. Farley
Michael S. Farley
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon, Lester Siler at the Hardeman County Correctional Facility, 2520 Union Spring Road, Whiteville, TN 38075, and to Jenny and Dakota Siler at 1139 Main Street, Apt 17, Lake City, Tennessee 37769 by placing a true and exact copy of the same in the United States mail with sufficient postage thereupon to carry same to its destination.

This the 28th day of September, 2007.

s/Michael S. Farley

Michael S. Farley

Attorney at Law